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JUDGE LYNCH

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IT'S EASY INC.,

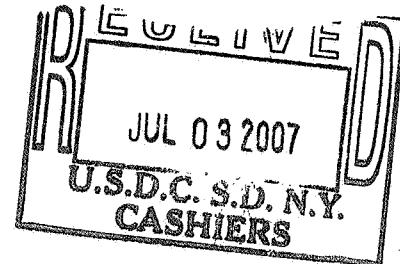
'07 CIV 6212

CASE NO:

COMPLAINT

Plaintiff, )  
MONIKER PRIVACY SERVICES, INC., A BRIGGS, )  
ADAM R. BOALT, CHINESE VISA EXPRESS, CHINA )  
VISA SERVICE CENTER, G3 VISAS AND PASSPORTS )  
SERVICES, INTER-AMERICAN GROUP INC., LAST )  
MINUTE PASSPORTS, MDNH INC., PASSPORT )  
NATION, PASSPORT EXPRESS, SERVICES, INC., )  
PASSPORT PLUS, INC., PASSPORTS AND )  
VISAS.COM, LLC, PASSPORT AND VISA EXCHANGE )  
INC., PASSPORT AND VISA SPECIALISTS, )  
PASSPORTVISA EXPRESS.COM, INC., )  
RUSH PASSPORT.COM, INC., )  
RUSHMYPASSPORT.COM, TIMELY VISA, INC., )  
TEXAS TOWER PASSPORT AND VISA SERVICES, )  
TRAVISA VISA SERVICE, INC., U.S. VITAL )  
DOCUMENTS, VISA EXPRESS, VISAS )  
INTERNATIONAL, VISARITE SERVICES INC., )  
WORLDWIDE VISA AND PASSPORT SERVICES, INC.)

Defendants.



Plaintiff It's Easy, Inc. by its undersigned counsel, for its complaint against the defendants, respectfully alleges, with knowledge of its own actions and on information and belief as to the actions of others, as follows:

**NATURE OF THE CASE**

1. This is an action for service mark and trade name infringement, service mark and trade name false designation of origin, false advertising, and other acts of unfair competition arising under the statutes of the United States (Trademark Act of 1946, 15 U.S.C. §§ 1051 et seq.), the statutory law of the State of New York (New York Gen. Bus. Law §§ 349 and 360-1, and the common law.

**JURISDICTION AND VENUE**

2. This court has jurisdiction over the subject matter of this action under § 39 of the Trademark Act of 1946, 15 U.S.C. § 1121; the Judicial Code, 28 U.S.C. §§ 1331, 1332, 1338, and 1367; and the doctrine of supplemental jurisdiction.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) in that a substantial part of the events or omissions giving rise to the claims occurred in this judicial district.

**THE PARTIES**

4. It's Easy, Inc., ("It's Easy") is a corporation organized and existing under the laws of the State of New York with a business address at 30 Rockefeller Plaza, New York, New York 10112.

5. Upon information and belief, Moniker Privacy Services, LLC ("Moniker Privacy Services") is a limited liability company organized and existing under the laws of the State of Florida with a business address at 20 SW 27th Ave., Suite 201, Pompano Beach, Florida 33069.

6. Upon information and belief, A Briggs is a corporation with a mailing address at 15 W. 39<sup>th</sup> Street, New York, New York 10018.

7. Upon information and belief, Adam R. Boalt ("Boalt") is an individual with a mailing address at 651 Okeechobee Blvd. #908, West Palm Beach, Florida 33401.

8. Upon information and belief, Chinese Visa Express is a corporation with a mailing address at 200 Wilson Blvd., Arlington, Virginia 22201-3324.

9. Upon information and belief, Chinese Visa Service Center ("Chinese Visa Service") is a corporation with a mailing address at 10700 Richmond Avenue, Suite 211, Houston, Texas 77042.

10. Upon information and belief, G3 Visas and Passports Services is a corporation with a mailing address at 3300 North Fairfax Drive, Suite 220, Arlington, Virginia 22201.

11. Upon information and belief, Inter-American Group Inc. ("Inter-American Group") is a corporation with a mailing address at 1700 Pennsylvania Ave. N.W., Suite 400, Washington, District of Columbia 20006.

12. Upon information and belief, Last Minute Passports is a corporation with a mailing address at 11041 Santa Monica Blvd., Suite 824, Los Angeles, California 90025.

13. Upon information and belief, MDNH Inc. ("MDNH") is a corporation with a mailing address at 101 Convention Center Drive, Suite 330, Las Vegas, Nevada 89109.

14. Upon information and belief, Passport Nation is a corporation with a mailing address at 4491 NW 36th Street, Suite A, Miami Springs, Florida 33166.

15. Upon information and belief, Passport Express Services, Inc. ("Passport Express Services") is a corporation with a mailing address at 1 Richmond Square, Suite 300W, Providence, Rhode Island 02906.

16. Upon information and belief, Passports Plus, Inc. ("Passports Plus") is a corporation with a mailing address at 5177 Richmond Ave, Suite 675, Houston, Texas 77056.

17. Upon information and belief, Passports and Visas.com, LLC ("Passports and Visas.com") is a corporation with a mailing address at 5775 Blue Lagoon Drive, Suite 102, Miami, Florida 33126.

18. Upon information and belief, Passport and Visa Exchange, Inc. ("Passport and Visa Exchange") is a corporation with a mailing address at 3637 Russell Road, Alexandria, Virginia 22305.

19. Upon information and belief, Passport and Visa Specialists is a corporation with a mailing address at 4740 Ingwersoll St., Suite 207, Houston, Texas 77027.

20. Upon information and belief, Passportvisaexpress.com Inc. ("Passportvisaexpress") is a corporation with a mailing address at 1911 North Fort Myer Drive, Suite 104, Arlington, Virginia 22209.

21. Upon information and belief, Rush Passport.com Inc. ("Rush Passport") is a corporation with a mailing address at 875 Sixth Avenue, Suite 1606, New York, New York 10001.

22. Upon information and belief, RushMyPassport.com is a corporation with a mailing address at 224 Datura Street, Suite 915, West Palm Beach, Florida 33401.

23. Upon information and belief, Timely Visa, Inc. ("Timely Visa") is a corporation with a mailing address at 951 Meridian Ave., Alhambra, California 91803.

24. Upon information and belief, Texas Tower Passport and Visa Services is a corporation with a mailing address at 2020 Montrose Blvd. Suite 400, Houston, Texas 77006.

25. Upon information and belief, Travisa Visa Service, Inc. ("Travisa Visa Service") is a corporation with a mailing address at 1731 21st Street NW, Washington, District of Columbia 20009.

26. Upon information and belief, U.S. Vital Documents is a corporation with a mailing address at 6001 W. Parmer Lane., Suite 370, Austin, Texas 78727.

27. Upon information and belief, Visa Express is a corporation with a mailing address at 3120 Southwest Freeway, Suite 108, Houston, Texas 77098.

28. Upon information and belief, Visas International is a corporation with a mailing address at 6525 Sunset Blvd. #G-7, Los Angeles, California 90028.

29. Upon information and belief, VisaRite Services, Inc. ("VisaRite Services") is a corporation with a mailing address at 25 Peach Tree Lane, North Haledon, New Jersey 07508-3124.

30. Upon information and belief, Worldwide Visa and Passport Services, Inc. ("Worldwide") is a corporation with a mailing address at 2655 LeJeun Road, Suite 1004, Coral Gables, Florida 33134.

31. Moniker Privacy Services, A Briggs, Boalt, Chinese Visa Express, Chinese Visa Service, G3 Visas and Passports Services, Inter-American Group, Last Minute Passports, MDNH, Passport Nation, Passport Express Services, Passports Plus, Passports and Visas.com, Passport and Visa Exchange, Passport and Visa Specialists, Pasportvisaexpress, Rush Passport, RushMyPassport.com, Texas Tower, Travisa Visa Service, U.S. Vital Documents, Visa Express, Visas International, VisaRite Services, and Worldwide (collectively "Defendants") are all

offering services directly competitive with those sold by It's Easy through use of the counterfeit marks and domain names IT" S EASY, EASY, "itseeasy.com," or "www.itseeasy.com" in New York and in Interstate and Foreign Commerce; and each of the defendants has caused tortious injury to It's Easy in the State of New York within this judicial district and each expects or should reasonably expect the act to have consequences in New York and to derive substantial revenue from interstate or international commerce.

**IT'S EASY'S RIGHTS IN THE "IT'S EASY" MARKS**

32. It's Easy is the owner of the service marks "IT'S EASY" and IT'S EASY & Design (collectively the "IT'S EASY Marks").

33. The United States Patent and Trademark Office has recognized It's Easy's rights by issuing the following federal registrations for these marks:

**Registrations**

3118810

IT'S EASY



3125429

34. These registrations constitute *prima facie* evidence of the validity and subsistence of the marks as well as It's Easy's ownership of and exclusive right to use the marks in commerce, without restriction or limitation, and they provide constructive notice of It's Easy's ownership pursuant to Sections 7 and 22 of the Trademark Act of 1946, 15 U.S.C. §§ 1057 and 1072. Copies of the registration certificates for these registrations are attached hereto as Exhibit A.

35. It's Easy uses its federally registered IT'S EASY Marks on the Internet at the website www.itseasyservces.com and through its affiliate at www.itseasypassport.com, and these are a significant method of promoting It's Easy and its affiliates' passport and visa services.

36. It's Easy has over twenty years of experience in processing US passports and travel visas.

37. It's Easy is one of the leading vital document companies.

38. It's Easy offers quick, quality service of all passport and visa processing needs, and delivers, on the same day if necessary, anywhere in the United States.

39. Each year thousands of It's Easy customers obtain services offered under the IT'S EASY Marks.

40. It's Easy has used its names and marks continuously and extensively in interstate commerce and in the State of New York in connection with the obtaining of travel visas, passports and travel documents, and other goods and services.

41. It's Easy has invested substantial sums of money in developing and marketing its services, which are offered to customers throughout the United States and the world.

42. The IT'S EASY Marks have been and continue to be widely publicized through substantial advertising in the State of New York and throughout the United States.

43. Sales of goods and services under the IT'S EASY Marks have been significant.

44. As a result, the purchasing public has come to associate the IT'S EASY Marks with services of a uniformly high quality.

45. Because of the substantial sales, advertising expenditures, and publicity, the IT'S EASY Marks have become well known among members of the purchasing public as distinctive indicators of the goods and services offered by It's Easy.

**DEFENDANTS' UNLAWFUL USE OF INFRINGING IT'S EASY MARKS**

46. Notwithstanding It's Easy's prior use of and rights in the IT'S EASY Marks for arranging and facilitating the obtaining of travel visas, passports and other travel documents, Moniker Privacy Services registered and began using the Internet domain name [www.itseeasy.com](http://www.itseasy.com) for competing services. Excerpts from [www.itseeasy.com](http://www.itseeasy.com) showing use of the infringing marks are attached as Exhibit B.

47. To create the false impression that the Moniker web site is affiliated with, sponsored by, approved by, or endorsed by It's Easy, Moniker displays the infringing word marks "IT'S EASY" and "EASY" at the website [www.itseeasy.com](http://www.itseeasy.com)

48. Furthermore, the infringing marks "IT'S EASY" and "EASY" are listed immediately under the words "PASSPORT," "PASSPORT SERVICES," and "PASSPORT RENEWAL" on the Moniker web site.

49. The website [www.itseeasy.com](http://www.itseeasy.com) is a portal site that links to sponsored links for other commercial websites at which the Defendants offer and sell passport and visa-related services in direct competition with It's Easy. Among these websites, upon information and belief, are the following:

- [www.passportnation.com](http://www.passportnation.com), [www.passport123.com](http://www.passport123.com), and [www.rushmypassport.com](http://www.rushmypassport.com), all operated by Boalt;
- [www.uspassportbureau.com](http://www.uspassportbureau.com), operated by U.S. Vital Documents;
- [www.passportdocs.com](http://www.passportdocs.com), operated by Inter-American Group;
- [www.lastminutepassports.com](http://www.lastminutepassports.com), operated by Last Minute Passports;

- www.passportsplus.com, operated by Passports Plus;
- www.passportexpress.com, operated by Passport Express Services;
- www.passportsandvisas.com, operated by Passports and Visas.com;
- www.visaexchange.com, operated by Passport and Visa Exchange;
- www.quickpassport.com, operated by Passport and Visa Specialists;
- www.timelyvisa.com, operated by Timely Visa;
- www.visaexpress.net, operated Visa Express;
- www.texastower.net, operated by Texas Tower Passport and Visa Services;
- www.travisa.com, operated by Travisa Visa Service;
- www.visasintl.com, operated by Visas International;
- www.visarite.com, operated by VisaRite Services;
- www.g3visas.com, operated by G3 Visas and Passports;
- www.abbriggs.com, operated by A Briggs;
- www.rushpassport.com, operated by Rush Passport;
- www.passportnet.us, operated by MDNH;
- www.passportvisaexpress.com, operated by Passportvisaexpress;
- www.passportworld.com, operated by Worldwide;
- www.mychinavisa.com, operated by China Visa Service;
- www.chinesevisaexpress.com, operated by Chinese Visa Express; and
- www.onlypassport.com, operated by Moniker Privacy Services.

50. By using domain names and marks that are similar to those used by It's Easy, and by providing services that are identical in nature to those provided by It's Easy under the IT'S EASY Marks, Defendants are attempting to mislead consumers by creating the false impression

that It's Easy is affiliated with, sponsors, approves, or endorses Defendants' Web sites and services.

51. As used by Defendants, the counterfeit IT'S EASY and "its easy.com" marks, names, and domain names incorporate and imitate the IT'S EASY Marks, and such use is likely to cause confusion, mistake or deception among customers and prospective customers that visit or use Defendants' Web sites.

52. Defendants have engaged in said infringing activities despite having full knowledge of It's Easy's prior rights in the federally registered IT'S EASY Marks.

53. Thus, Defendants have used imitations of the IT'S EASY Marks unlawfully, with a willful, deliberate and malicious intent to cause confusion among customers and prospective customers, to injure It's Easy and to dilute the IT'S EASY Marks.

**COUNT I**

**TRADEMARK AND SERVICE MARK  
INFRINGEMENT IN VIOLATION OF 15 U.S.C. § 1114(1)**

54. As a separate cause of action and ground for relief, It's Easy alleges that Defendants have engaged in Trademark and Service Mark Infringement in violation of 15 U.S.C. § 1114(1). The preceding factual allegations set forth in this Complaint are incorporated and alleged in this Count as if fully set forth herein.

55. Defendants have used and are using the marks IT'S EASY in interstate commerce and foreign commerce, in connection with the sale of goods and services, in a manner that creates a likelihood of confusion, mistake or deception.

56. Defendants' conduct induces purchasers and others to believe, contrary to fact, that Defendants' products and services are rendered, sponsored, approved by, or connected with It's Easy.

57. Defendants' acts have damaged and impaired that part of It's Easy's goodwill symbolized by It's Easy's federally registered service marks to It's Easy's immediate and irreparable damage.

58. Defendants had actual knowledge of It's Easy's rights in the IT'S EASY Marks when Defendants engaged in the conduct complained of herein.

59. Thus, Defendants had willfully, deliberately and maliciously engaged in the aforesaid acts with the intent to injure It's Easy and to deceive the public.

60. Defendants' use of imitations of It's Easy's marks in the manner alleged constitutes trademark and service mark infringement within the meaning of 15 U.S.C. § 1114(1)(a).

61. Defendants' acts of infringement have caused It's Easy irreparable injury and loss of reputation.

62. Unless enjoined by this Court, Defendants will continue these acts of infringement to It's Easy's immediate and irreparable damage.

**COUNT II**  
**COUNTERFEITING IN VIOLATION OF 15 U.S.C. § 1114(1)(b)**

63. As a separate cause of action and ground for relief, It's Easy alleges that Defendants have engaged in counterfeiting in violation of 15 U.S.C. § 1114(1)(b). The preceding factual allegations set forth in this Complaint are incorporated and alleged in this Count as if fully set forth herein.

64. Upon information and belief, Defendants have made unauthorized use of counterfeit imitations of the IT'S EASY Marks in advertising and in connection with the sale of products and services in interstate and foreign commerce.

65. Upon information and belief, Defendants have intentionally used said marks or permitted others to use them, knowing that they are counterfeits in advertising and offering to sell products and services over the Internet.

66. Defendants' use of such counterfeit imitations of the IT'S EASY Marks in the manner alleged is likely to cause confusion, mistake and deception.

67. Defendants' use of counterfeit copies of the IT'S EASY Marks has a substantial effect on commerce that may be lawfully regulated by Congress.

68. Defendants' acts complained of herein constitute counterfeiting within the meaning of Section 32(1)(b) of the Trademark Act of 1946, 15 U.S.C. § 1114(1)(b).

69. Unless enjoined by this Court, Defendants will continue to use counterfeit imitations of the IT'S EASY Marks to It's Easy's immediate and irreparable damage.

### COUNT III

#### **VIOLATION OF THE FEDERAL ANTICYBERSQUATTING CONSUMER PROTECTION ACT, 15 U.S.C. § 1125(d)**

70. As a separate cause of action and ground for relief, It's Easy alleges that Defendants have engaged in cybersquatting in violation of Section 43(d) of the Trademark Act, 15 U.S.C. § 1125(d). The preceding factual allegations set forth in this Complaint are incorporated and alleged in this Count as if fully set forth herein.

71. Defendant Moniker Privacy Services registered the domain name with a bad faith intent to profit from the registration of a domain name that is confusingly similar to the IT'S EASY Marks.

72. Defendants are using used the domain name with a bad faith intent to profit from the use of a domain name is confusingly similar to the IT'S EASY Marks.

73. It's Easy's Marks were distinctive at the time Defendants registered and/or used the "itseasy.com" domain name.

74. Defendants' registration, use of and trafficking in the "itseasy.com" domain name has harmed the goodwill represented by the IT'S EASY Marks by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of Internet sites accessible under the "itseasy.com" domain name.

75. Defendants' infringing conduct has caused substantial irreparable injury to the public and to It's Easy.

**COUNT IV**  
**FALSE DESIGNATION OF ORIGIN AND**  
**FALSE ADVERTISING UNDER 15 U.S.C. § 1125(a)**

76. As a separate cause of action and ground for relief, It's Easy alleges that Defendants have engaged in acts constituting unfair competition, false designation of origin, and false representation or advertising in violation of Section 43(a) of the Trademark Act, 15 U.S.C. § 1125(a). The preceding factual allegations set forth in this Complaint are incorporated and alleged in this Count as if fully set forth herein.

77. By using imitations of the IT'S EASY Marks, Defendants have made and are making false or misleading representations that their services originate with or are endorsed by or are connected with It's Easy, in such a manner as to create a likelihood of confusion among prospective purchasers.

78. Defendants' use of the subject domain name in advertising and offering to sell services over the Internet constitutes use of a false designation of origin, and Defendants' express and/or implied representations that the sale of their products and services originate with

or are endorsed by It's Easy constitutes use of false descriptions or representations of fact, within the meaning of Section 43(a) of the Trademark Act of 1946, 15 U.S.C. § 1125(a).

79. Defendants' use of names and marks confusingly similar to those of It's Easy constitutes unfair competition entitling It's Easy to remedies afforded pursuant to Section 43(a) of the Trademark Act of 1946, 15 U.S.C. § 1125(a).

80. Defendants' acts of false designation of origin and false advertising have caused It's Easy irreparable injury, loss of reputation, and pecuniary damages.

81. Unless enjoined by this Court, Defendants will continue these acts of infringement to It's Easy's immediate and irreparable damage.

#### **COUNT V**

#### **UNFAIR TRADE PRACTICES UNDER NEW YORK LAW**

82. As a separate cause of action and ground for relief, It's Easy alleges that Defendants have engaged in acts constituting deceptive and unfair trade practices in violation of the N.Y. Gen. Bus. Law §349. The preceding factual allegations set forth in this Complaint are incorporated and alleged in this Count as if fully set forth herein.

83. Defendants are using infringing marks in connection with the advertising and sale of services in such a manner as to create a likelihood of confusion among consumers, thereby inducing consumers, including prospective purchasers and others, to believe, contrary to fact, that the goods and services of Defendants are rendered, sponsored, or otherwise approved by, or connected with It's Easy.

84. Defendants' acts have harmed consumers and damaged, impaired and diluted that part of It's Easy's goodwill symbolized by the IT'S EASY Marks, to It's Easy's immediate and irreparable damage.

85. Defendants' use of infringing marks in the manner alleged constitutes deceptive trade practices of a type proscribed by N.Y. Gen. Bus. Law § 349.

86. Defendants had actual knowledge of It's Easy's rights in the IT'S EASY Marks at the time it decided to use the name and mark complained of herein.

87. Thus, Defendants willfully and deliberately infringed It's Easy's rights in the IT'S EASY Marks.

88. By reason of the foregoing Defendants' unfair trade practices have harmed the public and caused It's Easy irreparable injury, loss of reputation and pecuniary damages. Unless enjoined by this Court, Defendants will continue these acts of infringement to It's Easy's immediate and irreparable damage.

**COUNT VI**  
**SERVICE MARK DILUTION UNDER NEW YORK LAW**

89. As a separate cause of action and ground for relief, It's Easy alleges that Defendants have engaged in acts constituting service mark and trade name dilution and injury to business reputation in violation of New York Gen. Bus. Law §360-1. The preceding factual allegations set forth in this Complaint are incorporated and alleged in this Count as if fully set forth herein.

90. The IT'S EASY Marks have become valuable assets and well known and famous symbols of the goodwill established by It's Easy, through many years of continuous use and substantial advertising expenditures.

91. The public has come to associate the IT'S EASY Marks with high quality goods and services.

92. As a result, sales have been substantial and the IT'S EASY Marks are highly valuable and distinctive indicators of It's Easy's services.

93. Defendants have used and are using the infringing marks in connection with the sale of directly competitive services.

94. Thus, Defendants' conduct has damaged, impaired and diluted that part of the goodwill symbolized by the distinctive and well known IT'S EASY Marks to It's Easy's immediate and irreparable damage.

95. Defendants' conduct complained of herein creates an injury to It's Easy's business reputation and a dilution of the distinctive identity and quality of the IT'S EASY Marks in violation of New York Gen. Bus. Law § 360-l.

96. By reason of the foregoing Defendants' acts of dilution have caused It's Easy irreparable injury, loss of reputation and pecuniary damages.

97. Unless enjoined by this Court, Defendants will continue these acts of infringement to It's Easy's immediate and irreparable damage.

#### **COUNT VII**

#### **COMMON LAW UNFAIR COMPETITION**

98. As a separate cause of action and ground for relief, It's Easy alleges that Defendants have engaged in acts constituting unfair competition under the common law. The preceding factual allegations set forth in this Complaint are incorporated and alleged in this Count as if fully set forth herein.

99. Defendants have used It's Easy's Domain and the mark IT'S EASY in advertising and offering to sell services over the Internet in an unlawful, unfair, deceptive, and fraudulent manner so as to create a likelihood of confusion among prospective purchasers exercising ordinary caution; which acts have damaged, impaired, and diluted the goodwill symbolized by the IT'S EASY Marks to It's Easy's immediate and irreparable damage.

100. The aforesaid acts of Defendants constitute unfair competition under the common law.

101. Defendants' acts of unfair competition have caused It's Easy irreparable injury, loss of reputation and pecuniary damages.

102. Unless enjoined by this Court, Defendants will continue said acts of unfair competition to It's Easy's immediate and irreparable damage.

### **COUNT VIII**

#### **COMMON LAW SERVICE MARK INFRINGEMENT**

103. As a separate cause of action and ground for relief, It's Easy alleges that Defendants have engaged in acts constituting trademark and service mark infringement under the common law. The preceding factual allegations set forth in this Complaint are incorporated and alleged in this Count as if fully set forth herein.

104. Defendants have used and continue to use the domain name <itseasy.com> and the marks IT'S EASY, in advertising and selling products and services over the Internet in such a manner as to create a likelihood of confusion among prospective purchasers, thereby inducing purchasers and others to believe, contrary to fact, that Defendants' products and services are rendered, sponsored, or otherwise approved by, or connected with It's Easy; these acts by Defendants have damaged, impaired and diluted that part of the goodwill symbolized by the IT'S EASY Marks, to It's Easy's immediate and irreparable damage.

105. The nature, probable tendency and effect of Defendants' use of confusingly similar names and marks in the manner alleged is to enable Defendants to deceive the public by passing off their products and services as being rendered, sponsored, or otherwise approved by or connected with It's Easy.

106. Defendants' use of names and marks confusingly similar to those used by It's Easy in advertising and offering to sell products and services over the Internet is likely to cause confusion, mistake or deception as to the source or origin of Defendants' goods or services and said use constitutes infringement of the IT'S EASY Marks under the common law.

107. Defendants' acts of infringement have caused It's Easy irreparable injury, loss of reputation and pecuniary damages.

108. Unless enjoined by this Court, Defendants will continue these acts of infringement to It's Easy's immediate and irreparable damage.

**COUNT IX**  
**UNJUST ENRICHMENT**

109. As a separate cause of action and ground for relief, It's Easy alleges that Defendants have and are engaged in acts resulting in the unjust enrichment of Defendants at It's Easy's expense. The preceding factual allegations set forth in this Complaint are incorporated and alleged in this Count as if fully set forth herein.

110. The conduct of Defendants complained of herein has caused and will continue to cause It's Easy irreparable injury, loss of reputation and pecuniary damages.

111. It's Easy has created value and generated goodwill in its IT'S EASY Marks.

112. Defendants have traded on this value and goodwill and on It's Easy's reputation through deceptive, unfair and unlawful practices.

113. As a result of Defendants' actions, Defendants have realized and generated economic and other benefits at It's Easy's expense.

114. It's Easy has not authorized, acquiesced in or otherwise agreed to Defendants' actions complained of herein.

115. It would be inequitable, under these circumstances, for Defendants to retain the benefits accrued through the unlawful conduct complained of herein.

**WHEREFORE**, It's Easy prays for judgment against Defendants on all causes of action and requests the following relief from the Court:

- (1) Pursuant to 15 U.S.C. § 1116, and the law of the State of New York, that Defendants and each of its agents, servants, employees, attorneys, assigns, and all others in privity or acting in concert with Defendants be permanently enjoined from:
  - (a) Using the names or marks IT'S EASY, the domain name "itseasy.com" and any other domain name or mark that includes or is confusingly similar to the IT'S EASY Marks in the advertising or sale of any goods or services,
  - (b) Using in any manner any service mark, trademark, trade name, domain name, trade dress, words, numbers, abbreviations, designs, colors, arrangements, collocations, or any combinations thereof which would imitate, resemble or suggest It's Easy's Marks or domain name;
  - (c) Otherwise infringing It's Easy's trademarks, service marks and trade names;
  - (d) Unfairly competing with It's Easy, diluting the distinctiveness of It' Easy's trademarks, service marks and trade names, and otherwise injuring It's Easy's business reputation in any manner;
  - (e) Publishing or sending any e-mail or other messages, including via chat rooms and Internet bulletin boards, using the name or mark IT'S EASY or any domain name or mark confusingly similar thereto; and

(f) Using, registering or reserving any domain name, trademark, service mark or trade name that includes the mark IT'S EASY or is confusingly similar to any of the IT'S EASY Marks.

(2) Pursuant to 15 U.S.C. § 1118 and the law of the State of New York, Defendants be permanently enjoined and directed to deliver up for destruction all software, computer screen printouts, promotional materials, handouts, advertisements, labels, signs, prints, packages, wrappers, photographs, videos, receptacles and all other materials in their possession or under their control that resemble or bear It's Easy's IT'S EASY Marks, or any other reproduction, counterfeit, copy or colorable imitation of It's Easy's service marks and trade names and all plates, molds, matrices, and other means of making or duplicating the same.

(3) Pursuant to 15 U.S.C. § 1117 and the law of the State of New York, Defendants account and pay to It's Easy damages in an amount sufficient to fairly compensate It's Easy for the injury it has sustained, plus all profits that are attributable to the infringing sale of goods or services under the marks complained of herein, and further that the amount of the monetary award granted herein be trebled in view of the willful and deliberate nature of Defendants' unlawful conduct.

(4) Pursuant to 15 U.S.C. § 1117, It's Easy be awarded statutory damages in an amount to be determined by the Court.

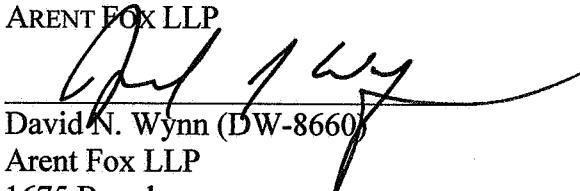
(5) It's Easy be awarded punitive damages in an amount sufficient to deter Defendants from engaging in unlawful conduct in the future.

(6) Pursuant to 15 U.S.C. § 1117 and the law of the State of New York, Defendants be ordered to pay to It's Easy the costs of this action and It's Easy's attorney fees.

(7) Pursuant to 15 U.S.C. § 1125(d), Moniker Privacy Services be ordered to transfer to It's Easy the domain name "itseasy.com", and any other domain names registered or controlled by Moniker Privacy Services that resemble or contain the IT'S EASY marks.

(8) It's Easy be granted such other, further, different or additional relief as this Court deems equitable and proper.

Dated: July 3, 2007  
New York, New York

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